IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE THIRD DAY OF NOVEMBER,
TWO THOUSAND AND THREE
: PRESENT :
THE HON'BLE MR. DEVINDER GUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE MS. JUSTICE: G. ROHINI

W.P. No. 22672 of 2003

Between:

Smt. M. Sujatha, W/o. Sri M. Prabhudas,
H.No. 3,4th Street, Rajamangalam,
Vellivakkam, Chennai – 49.

Petitioner

AND

1. Sri Ashok Varma, Circle Inspector, I Town Police Station, Chirala, Prakasam District, AP
2. Sri Sriramulu, Sub-Inspector, II Town Police Station, Chirala, Prakasam District, AP
3. The Superintendent of Police, Prakasam District, Ongole

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ, direction or order, more particularly one in the nature of a Writ of Habeas Corpus, directing the Respondents to produce Sri M. Prabhudas husband of the petitioner resident of Chennai before this Honorable Court and release him, at liberty.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S. Venkateswara Rao, Advocate for the Petitioner and of the G.P. for Home on behalf of Respondents, the Court made the following

ORDER:

" This petition was filed on 27-10-2003 alleging that the petitioner's husband was arrested from his residence by Chirala Police and thereafter she has not heard anything about her husband despite she visited Chirala Police on 24-10-2003 and thereafter.

T. Ashok Vardhan has filed his affidavit dated 31-10-2003 stating that the husband of the petitioner was arrested at 3 a.m. on 20-10-2003 and a torch light and an iron rod were recovered from his possession when he was found lurking on to the shed of Paparajuthota Sai Baba Temple. After complying with other formalities, the petitioner's husband was produced before the Mandal Executive Magistrate,

Chirala along with charge sheet on 20-10-2003. The Magistrate bound over the petitioner's husband to maintain good behavior for a period of six months and he was released after giving surety vide M.C. 44 of 2003.

The affidavit filed by the Sub Inspector of Police further states that the petitioner's husband is also an accused in Crime No.744 of 2003 for an offence under Section 379 of I.P.C., of Ashoknagar Police Station, Chennai.

The affidavit is silent as regards the factum of whereabouts of petitioner's husband. We would like a further affidavit be filed by the respondents and require the respondents to produce the petitioner's husband in Court on 10-11-2003."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Mandal Executive Magistrate, Chirala, Prakasam District
2. Sri Ashok Varma, Circle Inspector, I Town Police Station, Chirala, Prakasam District, AP
3. Sri Sriramulu, Sub-Inspector, II Town Police Station, Chirala, Prakasam District, AP
4. The Superintendent of Police, Prakasam District, Ongole
   (ADDRESSEES 2 TO 4 BY SPEED POST – WITH A DIRECTION TO PRODUCE THE PETITIONER'S HUSBAND IN THIS COURT ON 10-11-2003 AT 10.30 A.M.)
5. Two CCs to the G.P. for Home, High Court of A.P., Hyderabad (OUT)
6. Two Spare Copies

MSR

HIGH COURT

DATE: 3-11-2003

ORDER

W.P.No. 22672 of 2003

DIRECTION

HIGH COURT

DRAFTED BY: MSR
DRAFTED ON: 4-11-2003

HCJ & RGJ

DATE: 3-11-2003

ORDER

W.P.No. 22672 of 2003

DIRECTION